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FITZPATRICK, CELLA, HARPER & SCINTO
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NEW YORK, NY 10172

EXAMINER

WILSON, J

ART UNIT PAPER NUMBER

2712

27

DATE MAILED: 06/22/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.
08/848,243

Applicant(s)
Nagano

Examiner
Jacqueline Wilson

Group Art Unit
2712



☒ Responsive to communication(s) filed on Apr 29, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-45 is/are pending in the application.

Of the above, claim(s) 13-45 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-12 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2712

DETAILED ACTION

Claims 13-45 are withdrawn from further consideration by the examiner, 37

CFR 1.142(b), as being drawn to a non-elected species, the requirement having been traversed in Paper No. 5.

Claim Objections

1. Claim 9 is objected to because of the following informalities:

Line 12, "alight" should be changed to --a light--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2712

4. Claim 1 recites the limitation "correction means for correcting a change of a physical characteristic in accordance with a change of at least one of the light transmission factor and the light transmission amount of said physical element." in lines 11-19.

It is not clear as to what the correction means is performing operation on. The applicant states a correction means for **correcting a change of a physical characteristic** in accordance with a change of at least one of the light transmission factor and the light transmission amount of the physical element, but does not explain what the physical characteristic is referring to. Furthermore, it is unclear as to where the input signal of the correction means is being obtained, meaning is it coming from the physical element or the photoelectric conversion means, and therefore explaining what exactly is being corrected.

5. Claim 2 recites the limitation "wherein said correction means adjusts a correction amount of wavelength dependency characteristics of the light transmission factor." in lines 2-5.

Claim 1, on which Claim 2 depends, states that the correction means corrects a change of the physical characteristic. Examiner is not clear as to if the wavelength dependency characteristics is equivalent to the physical characteristic.

6. Claim 3 recites the limitation "wherein the correction by said correction means is achieved by auto white-balance control for an output signal from photoelectric conversion means." in lines 1-4.

Examiner understands this claim to mean the correction is completed using the signal from the photoelectric conversion means which is input into the auto white-balance control which is

Art Unit: 2712

then input into the correction means. This understanding is a contradiction to Claim 1 which states that the signal from the physical element is input into the correction means.

7. Claim 4 recites the limitation "wherein the correction by said correction means is achieved by changing a sensitivity of said photoelectric conversion means in accordance with a light wavelength." in lines 1-4.

Examiner understands this claim to mean that the correction means corrects the photoelectric conversion means. This understanding is a contradiction to Claim 1 which states that the correction means corrects the physical element.

8. Claim 5 recites the limitation "wherein the correction by said correcting means is achieved by a filter provided with one of said photographing optical system and photoelectric conversion means." in lines 1-5.

Examiner understands this claim to mean that the correction means corrects the filter output signal provided. This understanding is a contradiction to Claim 1 which states that the correction means corrects the physical element.

9. Claim 6 recites the limitation "wherein the correction by said correcting means is achieved by arranging another physical element capable of controlling a light transmission factor in the photographing optical system." in lines 1-5.

Examiner understands this claim to mean that the correction means corrects the additional physical element in the photographing optical system. This understanding is a contradiction to Claim 1 which states that the correction means corrects the physical element.

Art Unit: 2712

For examination purposes, the claims will be interpreted as best possible by the examiner.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

11. Claims 1-8 are rejected under 35 U.S.C. 102(a) as being anticipated by Toda et al. (U.S. 5,047,847).

Regarding Claim 1, Toda et al. '847 teaches

a physical element having a light transmission factor and a light transmission amount at least one of which is changeable (referred to as an LC iris; col. 23, lines 5-15; col. 28, lines 50-60),

a photoelectric conversion means for receiving an optical image transmitted through the physical element at a position of an imaging plane and for converting the optical image into an electrical image signal (referred to as a CCD, See fig. 41; col. 27, lines 10-24), and

a correction means for correcting a change of a physical characteristic in accordance with a change of at least one of the light transmission factor

Art Unit: 2712

and the light transmission amount of the physical element (col. 29, lines 35-42).

Regarding Claim 2, Toda et al. '847 teaches the correction means adjusts a correction amount of wavelength dependency characteristics of the light transmission factor (col. 29, lines 40-42).

Regarding Claim 3, Toda et al. '847 teaches the correction by the correction means is achieved by auto white-balance control for an output signal from the photoelectric conversion means (col. 29, lines 22-28; col. 29, lines 35-40).

Regarding Claim 4, Toda et al. '847 teaches the correction of the correction means is achieved by changing a sensitivity of the photoelectric conversion means in accordance with a light wavelength (col. 29, lines 20-36).

Regarding Claims 5 and 6, Toda et al. '847 teaches the correction by correction means is achieved by another physical element (filter) capable of controlling a light transmission factor in the photographing optical system (Fig. 56, element 650; col. 37, lines 47-60).

Regarding Claim 7, Toda et al. '847 teaches a correction means comprising a storage means for storing at least one of the light transmission factor wavelength dependency of the physical element and the correction amount of the light transmission factor wavelength dependency of the physical element (referred to as color correcting memory, Fig. 45, element 440; col. 31, lines 3-6).

Art Unit: 2712

Regarding Claim 8, Toda et al. '847 teaches the storage means stores at least one of a plurality of light transmission factor wavelength dependencies and a plurality of correction amounts in accordance with at least one of the light transmission factor and the light transmission amount of the physical element (col. 31, lines 1-12).

12. Claims 9-12 are rejected under 35 U.S.C. 102(a) as being anticipated by Tani et al. (U.S. 4,984,088).

Regarding Claim 9, Tani et al. '088 teaches a physical element (referred to as a diaphragm, Fig. 1, element 12), a photoelectric conversion means (referred to as CCD, Fig. 1, element 10; col. 3, lines 1-40), and an exposure amount adjusting means (referred to as microcomputer, element 20; col. 4, lines 17-41).

Regarding Claim 10, Tani et al. '088 teaches the exposure amount adjustment means electrically adjusts at least one of the light transmission factor and the light transmission amount of the physical element, but does not explicitly state that these functions are performed electrically. However it is inherently known in the art that microcomputers perform various functions electrically.

Regarding Claim 11, Tani et al. '088 teaches the exposure amount adjusting means adjusts at least one of the light transmission factor and the light transmission amount of the physical element in accordance with incident light (col. 3, lines 60-67).

Regarding Claim 12, Tani et al. '088 teaches the exposure amount adjustment means comprises storage means for storing at least one relationship between at least one of the light

Art Unit: 2712

transmission factor and the light transmission amount of the physical element and at least one of the light accumulation time and the sensitivity of the photoelectric conversion means (charge accumulation time depends on the shutter speed; col. 5, lines 27-55).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kley (U.S. 4,806,776)

Takayama (U.S. 4,994,917)

Lam et al. (U.S. 4,918,534)

Choi (U.S. 5,132,805)

Jeon (U.S. 5,200,813)

Tsuchiva (U.S. 5,322,185)

Yabe et al. (U.S. 4,803,550)

14. Any inquiries concerning this communication from the examiner should be directed to **Jacqueline Wilson** whose telephone number is (703) 308-5080. The examiner can normally be reached Monday-Friday from 9:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reached at (703) 305-4929. The fax number for this group is (703) 308-5399.

Serial Number: 08/848,243

Page 9

Art Unit: 2712

Any response to this action should be mailed to:

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or Faxed to:

(703) 308-9051, (for formal communication intended for entry)

or:


(703) 308-5399, (for informal or draft communications, please label

“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, V.A., Sixth Floor (Receptionist).

JBW 

June 11, 1998


WENDY GARBER
PRIMARY EXAMINER

